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Poland

Food and Agricultural Import Regulations and Standards

Country Report

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Report Highlights:

This report gives an overview of food laws currently in force in Poland. The following sections were updated: Food laws, Labeling, Food additive regulations, Pesticide and other contaminants, Other regulations and requirements, Other specific standard and Trademark laws.

Includes PSD Changes: No
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This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Warsaw, Poland for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

SECTION I. FOOD LAWS

Harmonization within the EU

Poland became member of the EU in May 2004 and as a member of the European Union (EU) follows all EU directives, regulations and obligations. It is therefore recommended that this report be read in conjunction with the Food and Agricultural Import Regulations and Standards (FAIRS) report produced by the US Mission to the EU in Brussels, Belgium, available at <http://useu.usmission.gov/agri/fairs.html> as well as at <http://www.fas.usda.gov/scripts/attacherep/default.asp>.

General provisions on the labeling, presentation and advertising of foodstuffs marketed in the EU are laid down in [European Parliament and Council Directive 2000/13/EC](#). It applies not only to foodstuffs intended for sale to the ultimate consumer but also for supply to restaurants, hospitals and other mass caterers.

The vast majority of food laws of the EU member countries have already been fully harmonized with EU law. Areas such as vitamins, minerals and other physiological substances as well as health claims are still awaiting EU harmonization.

Based on the EU single market principle, all food products legally imported and distributed in one member country of the EU can generally also be distributed in all other member countries, except in those cases when a country can prove health concerns about the product or an ingredient of a product is intended for import. However, a separate application for approval of imports is still necessary for all those products containing substances not yet harmonized or those products that are being imported into an EU country for the first time and which are not present in other EU countries.

Exporters should be aware that there may also be some variation among Member States in applying EU harmonized legislation: there may be temporary waivers or exemptions and in certain cases there may be room for interpretation of EU harmonized legislation or certain aspects which are not regulated in detail at the EU level may be handled differently in different Member States. In addition, there is a wide variation in inspection fees, registration fees and in the time required to evaluate dossiers on products used in the course of the food production process (www.useu.be/agri/harmonization.html).

Poland

Most of the norms and regulations relevant to food and agricultural imports to Poland were harmonized with the EU regulations prior to accession. However, certain regulations concerning food additives were published immediately prior to accession. Poland's major regulations concerning food products are contained in the Polish Food Law (Ustawa o Warunkach Zdrowotnych Żywności i Żywnieniu), which was published on May 11, 2001 in

Polish Law Journal 63 pos. 634 and its amendments published in Polish Journal of Law from 2005, nr. 31 pos. 265 and Polish Journal of Law 2005 nr. 178 pos 1480. This law is accompanied by various working regulations, which are all in line with the current EU regulations. This law is applicable to domestically produced and imported products. The text of the law can be found at (links is in Polish language)

<http://www.abc.com.pl/serwis/du/2001/0634.htm>

<http://www.abc.com.pl/serwis/du/2005/0265.htm>

and

<http://www.abc.com.pl/serwis/du/2005/1480.htm>

SECTION II. LABELING REQUIREMENTS

General requirements

General rules on labeling, presentation, and advertising foodstuffs marketed in the EU can be found in the European Parliament and Council Directive 2000/13/EC + corrigendum (English version of Annex III). This directive consolidates general labeling directive 79/112/EEC and all its amendments in a single text. It applies to food products intended for supply to food retail and foodservice. (<http://www.useu.be/agri/label.html>)

Polish legislation closely follows EU legislation. The basic law on food labeling was published in the December 16, 2002 Polish Journal of Law NR. 220 POS. 1856 (Link in Polish language only) and can be located at <http://www.abc.com.pl/serwis/du/2002/1856.htm>

The basic law was updated in order to reflect additional EU regulations:

Journal of Law no. 58 pos. 563 dtd. April 23, 2004, and can be located at <http://www.abc.com.pl/serwis/du/2004/0563.htm>

Journal of Law no. 162 pos. 1703 dtd. September 8, 2004, and can be located at <http://www.abc.com.pl/serwis/du/2004/1703.htm>

Journal of Law no. 257 pos. 2577 dtd. December 18, 2004, and can be located at <http://www.abc.com.pl/serwis/du/2004/0257.htm>

Journal of Law no. 180 pos. 1499 dtd. November 25, 2005, and can be located at <http://www.abc.com.pl/serwis/du/2005/1499.htm>

Journal of Law no. 210 pos. 1751 dtd. October 27, 2005, and can be located at <http://www.abc.com.pl/serwis/du/2005/1751.htm>

Journal of Law no. 229 pos. 1953 dtd. November 25, 2005, and can be located at <http://www.abc.com.pl/serwis/du/2005/1953.htm>

All food products entering the Polish market must have Polish language labeling. Normally **all pre-packaged foods** intended for the final consumer or catering establishments must be labeled according to the general rules prior to entering the Polish market. **Please note that there are no exceptions to label regulations.**

Name and Address

Name and address of at least one of the three, must be included on the packaging:

- producer
- packer
- importer/distributor on the Polish market

Country of Origin

Must be declared if exclusion of that information can mislead the consumer as to where the product originates.

Product Designation

The designation must describe the product in an appropriate way or may be a law stated name. A fantasy name or a trademark cannot replace the product designation. Pictures or claims regarding a certain component as well as naming of specific ingredients in the product designation requires a quantitative declaration of that ingredient either in accordance with the product designation or on the ingredients list.

Composition

The composition of a food must be declared as an ingredients list, listing all ingredients used in the order of falling weight at the time of production. Some groups of ingredients, e.g. vegetable oils, can be declared by a group name. Allowed group names are defined in the labeling regulations. Composite ingredients (constituting more than 2 percent of the product) – must be specified into detail ingredients (e.g. if mustard is included in the final product' mustard ingredients must be listed in detail).

Quantitative Ingredient Declaration (QUID) is obligatory for all food products, which use names, which determine customer's buying decision e.g. chocolate with peanuts – percentage of content of peanuts must be listed.

Some categories of foods are exempt from declaring a list of ingredients e.g. alcoholic beverages.

Net Weight

Net content (weight or volume) must be stated in the metric system. Drained net weight should be stated as well when appropriate. Number of pieces can be stated as well.

Durability

The durability must be stated by best before/best before end date ("najlepiej spozyc przed"). Very perishable foods must be marked with last day of consumption ("nalezy spozyc do"). The durability statements must be followed by storage instructions and instructions for use if necessary in order to ensure correct use and storage.

Alcoholic beverages

Polish authorities are currently working on preparation of additional labeling regulations pertaining to obligatory labeling of alcoholic beverages (similar to that already mandatory in France), which are to specify health hazards resulting from alcohol consumption (e.g. to pregnant women). It is not yet clear whether this information will be presented in written form or in a form of a picture.

Other Labeling Requirements

The Polish label or stick-on label must be applied prior to import.

For sample-size and institutional packed products in small packages where the biggest surface is less than 10 cm, it is sufficient to state product designation, net weight, and durability (and lot no., if durability does not include the date). For products in bigger packages all requirements must be fulfilled.

Food additives must be declared on the ingredients list by functional class followed by specific name or E-number, as defined on the labeling regulation and positive additive list. Flavors must be declared merely as "aroma" and it is possible to state "natural", "nature identical", or "artificial" in accordance with the definitions in the flavor regulation.

New food allergen labeling

New food allergen labeling rules were introduced by [Directive 2003/89/EC](#) and entered into force on November 25, 2005. Under this directive, the following 12 groups of potential allergenic ingredients must be indicated on food labels: cereals containing gluten, crustaceans, eggs, fish, peanuts, soybeans, milk and dairy products (including lactose), nuts and nut products, sesame seeds and sulphite at concentrations of at least 10 mg per kg or 10 mg/l, celery, and mustard. The new allergen labeling rules also apply to beverages containing more than 1.2 percent by volume of alcohol. Alcoholic beverages containing sulphur dioxide and sulphites at concentrations of more than 10 mg/kg or 10 mg/liter must be labeled "contains sulphites" or "contains sulphur dioxide" in Polish language term "Zawiera siarczyny" must be used.

Guidelines for the implementation of the new allergen labeling rules are available on the Commission's website at http://europa.eu.int/comm/food/food/labellingnutrition/foodlabelling/guidelines_6_10.pdf

These guidelines also specify in which cases derogations may be accepted: for foodstuffs for which no ingredients list is required, for sub ingredients of certain compound ingredients, for ingredients which belong to well defined categories and for substances that are not regarded as ingredients. [Directive 2005/26/EC](#) establishes a list of allergen derivatives that, based on the European Food Safety Authority's risk assessments, are temporarily exempted (until November 25, 2007) from mandatory labeling. For more information on the implementation of the allergen labeling rules see EU GAIN report E35196 which can be located at: <http://www.fas.usda.gov/scripts/AttacheRep/default.asp>.

- Certain ingredients may be designated by the name of the category rather than the specific name (Annex I to Directive 2000/13/EC). These include fats, oils (note that peanut oil is also subject to the new allergen rules), starch, fish, cheese, spices, herbs, gum bases, crumbs, sugar, dextrose, glucose syrup, milk proteins, cocoa butter, crystallized fruit,

vegetables and wine. Directive 2001/101/EC adds meat as a category and defines the term "meat" for the labeling of pre-packed meat-based products (for more information see EU GAIN report E23004 which can be located at: <http://www.fas.usda.gov/scripts/AttacheRep/default.asp>).

Requirements Specific to Nutritional Labeling

Nutritional labeling is regulated in accordance with EC Directive 90/496/EEG. Nutritional labeling is voluntary unless a nutritional claim is made on the basis of which nutritional labeling becomes compulsory and must be provided in a prescribed format. "Nutrition Labeling" means any information on the label that relates to energy value and to the following nutrients: protein, carbohydrate, fat, fiber, sodium, vitamins, and minerals present in significant amounts. This information and the format differ from those of the standard U.S. nutritional fact panel, which cannot be used for Poland and the rest of the EU. (<http://www.useu.be/agri/label.html#Nutrition>).

Poland's nutritional labeling regulations are specified in the Journal of Law no. 239, dated December 23, 2002 (Original Regulation published in the Journal of Law no. 51 chapter 293 dated December 17, 1973 and Journal of Law 108 chapter 520 dated August 22, 1996). Polish regulations concerning this subject are not very detailed. Any issues not directly specified are subject to the EU and Codex regulations. In many cases, product labeling must be individually approved by the State Hygiene Office- (Panstwowy Zaklad Higieny) - PZH.

Since Polish regulations do not specify conditions that must be met when using nutrition content claims, implied, and health threat claims on packaging must be approved by the PZH office. In certain cases, cereal products for example, the uses of statements such as "cereal contains minerals beneficial to health" have already been approved for the Polish market.

Some companies have experienced problems with terms, which imply curative or prevention effects of food products specified on the labels. In most cases the standard Nutrition Facts panel used on U.S. products is not sufficient for Polish authorities in order to approve the product but is taken into consideration when evaluating any nutritional claims implied on product labels.

PLEASE note: The current Polish regulations specify that each delivery of the nutrition product must be verified by the Sanitary authorities.

SECTION III. PACKAGING AND CONTAINER REGULATIONS

Council Directive 76/211/EEC provides rules for container sizes, acceptable tolerances on container content and requirements for the size of the figures indicating container content (www.useu.be/agri/packaging.html).

Product Recycling Regulations

Member States are required to take measures to limit packaging waste and must introduce systems for re-use, recovery, and recycling of packaging materials (Council Directive 94/62/EC). Commission Decision 2001/524/EC relates to the publication of references for certain EN standards in the Official Journal, which do not fully meet the essential requirements of Directive 94/62/EC. To facilitate collection, re-use, and recovery including recycling, an identification system for packaging has been established (Commission Decision 97/129/EC). Its use is voluntary (<http://www.useu.be/agri/packaging.html>).

Poland's Waste Disposal Regulations

On April 27, 2001 (published in Journal of Law No. 62, dated June 20, 2001, amended December 19, 2002 published in Journal of Law No. 7, dated January 23, 2003) the Polish Government approved a new regulation concerning the disposal of waste originating from production, import, and distribution of all products sold on the Polish market (including food and agricultural products). Producers and importers are responsible for signing appropriate agreements with firms specializing in utilization of packaging materials. By introducing this new regulation, the Polish government, in line with the EU requirements, is promoting product recycling.

Poland's Product Disposal Regulations

On January 6, 2003 (published in Journal of Law No. 7) the Polish Government approved a new regulation concerning the disposal of food and agricultural products that do not comply with Polish regulations and cannot enter the distribution system. It is the responsibility of the producer or importer to cover the costs connected with destruction of such products.

SECTION IV. FOOD ADDITIVE REGULATIONS

Four major European Commission directives on the use of additives and labeling rules are implemented based on Polish food additive regulations. These directives govern colors, sweeteners, flavors, and miscellaneous food additives in addition to the labeling directive. The EC regulations also require the identity and purity of approved food additives.

1. European Parliament and Council Directive 94/35/EC on sweeteners for use in foodstuffs. The annex to this directive lists maximum usable doses for sweeteners in selected foodstuffs.

2. European Parliament and Council Directive 94/36/EC on colors for use in foodstuffs.

Annex I: List of permitted food colors. Only substances listed in this annex may be used

Annex II: Foodstuffs, which may not contain added colors.

Annex III: Foodstuffs to which only certain permitted colors may be added.

Annex IV: Colors permitted for certain uses only.

Annex V: Colors permitted in general and the conditions of use.

3. European Parliament and Council Directive 95/2/EC, as amended, the so-called miscellaneous additives directive on food additives other than colors and sweeteners.

Annex I: List of food additives permitted for use in foodstuffs (excl. those listed in Annex II) following the "quantum satis"* principle.

Annex II: List of foodstuffs in which only a limited number of additives of Annex I may be used. These include cocoa and chocolate products, fruit juices and nectars, jam and jelly, dehydrated milk and cream, fruits and vegetables, rice, oils and fats, certain cheeses, minced meat, bread and pasta, wines and beer.

Annex III: List of conditionally permitted preservatives and antioxidants.

Annex IV: List of other permitted additives.

Annex V: List of permitted carriers and carrier solvents.

Annex VI: List of additives permitted in foods for infants and young children.

**quantum satis* = No maximum level defined but they must be used in accordance with Good Manufacturing Practice at a level that is sufficient to achieve the intended purpose.

All three of these directives and their lists can be downloaded from the FAS/USEU webpage
<http://www.useu.be/agri/additive.html#Labeling>
<http://www.useu.be/agri/additive.html#Miscellaneous>
http://europa.eu.int/comm/food/fs/fl/fl01_en.pdf

Labeling requirements for additives and flavorings are laid down in Directive 2001/13/EC (general labeling directive), Regulation 50/2000/EC (GM additives) and Directive 89/107/EEC.

Polish regulations

Polish food additive regulations are primarily based on common regulations within the European Union. Poland along with other EU countries is allowed to conduct separate procedures for the approval of particular ingredients within its territory.

Poland uses a positive-additives list, which identifies additives that are permitted for use in foodstuffs. Poland's Ministry of Health and Social Welfare approved a regulation for food additives on April 23, 2004 (Journal of Law no. 94 dated April 30, 2004). Amendments were published in the following Journals of Law: 2004 nr. 94, pos. 933 and 2005 nr. 79 pos. 693. In the past this particular regulation has been one of the most difficult obstacles facing imported products. The current regulation is in line with the overall EU practices. **Please note:** As each EU member state introduces slight variations to allowable food additives it is vital for all U.S. exporters to check with the potential Polish importers about whether the product intended for the Polish market meets all the ingredient requirements.

The following institutions are directly involved in inspecting food additive levels in imported products:

Ministry of Health and Social Welfare - preparation of legal documentation
Warsaw Sanitary Station - SANEPID - tests & check ups
National Food and Nutrition Institute - legal work & check ups

The following important change occurred recently in the Polish regulations:

- new sweetener "neotame", which is was allowed in Poland till May 1, 2006 is currently not allowed entry, just as in other EU countries.

Please also note that the Polish Sanitary authorities pay particular attention to colorants. Especially:

- sudan
- para-red

Their use in food products is prohibited in the EU, and in Poland. Para-red colorant is also closely monitored as far as "red rice" is concerned. Also products containing red rice, which were produced as a result of product fermentation with the usage of *Monascus purpureus* (red yeast) is also prohibited.

Special Polish Rules for Food Additives

Vitamins and Minerals. The Polish Ministry of Health issued separate regulations concerning allowable vitamins and other chemical substances, which are approved for use on food in Poland (Polish Journal of Law no. 27 pos. 236 dated February 17, 2003). This

regulation is consistent with current EU regulations. (Link is in Polish language only)
<http://www.abc.com.pl/serwis/du/2003/0236.htm>

SECTION V. PESTICIDE AND OTHER CONTAMINANTS

Pesticides

On April 16, 2004 Poland's Minister of Health approved (published in Journal of Law no. 85 pos. 810 dated April 27, 2004) new regulations on maximum pesticide and other contaminant levels.

<http://www.abc.com.pl/serwis/du/2004/0801.htm>

This regulation was amended by:

Journal of Law from 2005 no. 48 pos. 460:
<http://www.abc.com.pl/serwis/du/2005/0460.htm>

Journal of Law from 2005 no. 108 pos. 907:
<http://www.abc.com.pl/serwis/du/2005/0907.htm>

Journal of Law from 2005 no. 242 pos. 2047:
<http://www.abc.com.pl/serwis/du/2005/2047.htm>

Journal of Law from 2006 no. 106 pos. 718:
<http://www.abc.com.pl/serwis/du/2006/0718.htm>

According to Polish authorities these regulations follow general laws applied in the EU. The EU pesticide legislation maximum residue levels (MRLs) incorporate elements of the Codex Alimentarius and the OECD, but exceptions exist. Overviews of all compounds for which harmonized MRLs have been developed are available on the FAS/USEU website www.useu.be/agri/pesticides.html with amendment 2004/115/EC of December 15, 2004 (<http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:32004L0115:EN:HTML> - since June 23, 2005 in force in Poland).

The complete list of MRL/commodity combinations can be downloaded from the Commission's website at http://ec.europa.eu/food/index_en.htm. Pesticide MRLs for processed or composite products are based on the MRLs for the raw agricultural ingredients.

Chemical and Biological contaminants

On April 30, 2004 Poland's Minister of Health approved (published in Journal of Law no. 120 pos. 1257) new regulations on maximum levels of permitted chemical and biological contaminants levels.

<http://www.abc.com.pl/serwis/du/2004/1257.htm>

This regulation was amended by Journal of Law from 2005 nr. 2 pos. 9.

<http://www.abc.com.pl/serwis/du/2005/0009.htm>

and

Journal of law from 2006 nr. 85 pos. 591 (no levels specified, concerns only methods of obtaining samples for testing)

<http://www.abc.com.pl/serwis/du/2006/0591.htm>

These regulations follow exactly all of the current EU regulations. English version of regulations pertaining to contaminants can be obtained from:

<http://useu.usmission.gov/agri/contaminants.html>

Residues in Animals and Animal Products

Monitoring residues in animals and animal products is addressed separately in Council Directive 96/23/EC. This directive covers monitoring of the above-mentioned pesticide residues, and includes residues of veterinary drugs and a wide range of other contaminants and undesired substances such as residues of growth promotants. The prohibition of the use of hormones in meat production is addressed in Council Directive 96/22/EEC.

To register a new pesticide in the EU, including the establishment of an MRL, an application needs to be prepared and reviewed by the relevant authorities and committees at the member state and EU level. Pesticides currently on the EU market are under review. For pesticides, which are not or no longer authorized at Community level, an import tolerance may be requested. Application dossiers are first submitted for approval in an individual member state. The complete procedure is described on the Commission's web site at http://europa.eu.int/comm/food/index_en.htm

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS

Certification and documentation requirements for shipments into EU member states differ depending on the product. For some product groups, requirements are harmonized, but not for others. For most products the EU requires import licenses.

1. Animal Products

Import legislation of EU-harmonized products has been adjusted to the EU law. Import of animal products is allowed from establishments on the lists of EU-approved establishments. Nearly all U.S. animal products are recognized by the EU. Various U.S. agencies, including FSIS, APHIS, AMS, and FDA are involved in the listing process. Establishments are subject to EU inspections prior to listing and/or to occasional EU audits after listing. Exporters should be aware that getting plants listed has been difficult for the U.S. Health certificates corresponding to the animal category are required. A list of EU approved establishments is available through the U.S. Meat Export Federation, email: eu@usmef.org. Since January 1, 2006, beef tripe became an EU harmonized product. Scalded beef tripe is treated as a processed beef product and raw beef tripe is treated as raw beef. As a result of the hormone ban, U.S. origin beef tripe from hormone treated cattle is prohibited from entering the EU. Exporters must use relevant health certificates for beef or meat products exported to the EU.

For processed foods containing animal products, the situation is more complicated because there is no legislation specifying the percentage of dairy, egg, red meat or poultry meat that a foodstuff must contain. Products containing any amount of red meat or poultry meat must be certified. Certification of products containing egg products or dairy depend on the composition of the product.

Since April 24, 2006, the U.S. has been given the status of "harmonized country" by the EU. Hence, the U.S. and the EU seafood inspection systems are deemed to be equivalent. Each shipment must be accompanied by a health certificate in accordance with the model provided by Commission Decision 95/328/EC (amended 2001/67/EC regulation) for fishery products and with Commission Decision 96/333/EC for mollusks, echinoderms, tunicates and marine gastropods. In the U.S., both the Food and Drug Administration and the National Marine Fisheries Service are authorized to issue certificates for export to the EU. More details about requirements for fish exports to the EU are available at: <http://www.nmfs.noaa.gov/trade/EUCONTENTS.htm>

As of February 25, 2005 the Chief Veterinary Officer (CVO) implemented changes to the procedures regarding the import of animal origin foods fit for human consumption, which are not harmonized with the EU legislation. The changes were based on the implementation of the Act on Animal Health Protection and Contagious Diseases in Animals and in accordance with changes to other acts, dated January 7, 2005 (Dz.U. No. 23, item 188).

According to new the new regulations, the import of animal origin products for which the veterinary requirements have not been specified and which are to be marketed nationally, is possible from a non-EU member state (third country), provided the import of such products is in accordance with the permit issued by the CVO and the imported products are accompanied by an original copy of a certificate of health issued by the third country, if such products are dispatched. The certificate of health must:

- 1) be written in the Polish language and the official language of the third country from which the animal origin products are imported;
- 2) acknowledge that the veterinary requirements for animal origin products as of the date the permit is issued by the CVO have been met;
- 3) show the date and number of the Permit issued by the CVO.

The permit is issued by the CVO when applied for by the entity importing the products. The application for the Permit must include the following information:

- 1) the data of the entity importing the animal origin products, including:
 - a) name, place of residence and the address, or
 - b) company name, premises and address;
- 2) data on the establishment processing the products, including:
 - a) name
 - b) address and the name of the country
 - c) the ID number
- 3) the animal origin products specifying:
 - a) the quantity
 - b) the type and HS code
 - c) animal species from which the product is derived
 - d) type of processing the animals were subject to
- 4) the destination address of the imported animal products
- 5) the border crossing point at which the products enter the territory of Poland
- 6) estimated date of arrival.

The CVO may refuse the application for the Permit if it does not meet the above mentioned requirements, which are pursuant to Art. 6a, par. 7 of the Act on Veterinary Requirements for Animal Derived Products.

The application for the CVO's Permit must be received not later than 30 days prior to the dispatch date of the products from the country of export.

Further, under Art 6a, par. 4 of the Act on Veterinary Requirements for Animal Origin Products, the CVO is authorized to carry out inspection of the processing establishment in the third country where the products originate from prior to the issuance of the permit.

The permit shall be issued provided the animal origin products:

- 1) originate in the third country or a region from which the import of such products to the member states of the European Union is not forbidden
- 2) make no hazard to public health or animal health.

The Permit specifies the following data in particular:

- 1) veterinary requirements for:
 - a) animal origin products the fulfillment of which must be acknowledged in the certificate of health accompanying the shipment
 - b) means of transport by which the animal origin products are carried
- 2) the purpose of the animal origin products will be used for

The Permits are issued by the CVO for a specific period of time.

The UE non-harmonized animal origin products may be introduced as raw material for further production and then marketed but only under the regulations specified in Art. 16 and 17 of the Veterinary Requirements for Animal Origin Products (Dz.U. No. 33, item 288 with amendments). In accordance with Art. 16 par. 1 of the Act, the animal products produced in the approved establishments must be processed exclusively with the use of animal products originating from approved plants. Thus, under Art. 17 of the Act, animal derived products processed in non-approved plants may only be approved for the domestic market of the importing country.

According to veterinary requirements for animal origin products, no fees are paid for the permits issued by the CVO. Therefore, the regulations included in the Act on the treasury duty dated September 9, 2002, apply. According to Art. 41, item 2 of the Annex to the Act, a duty amounting to PLN 76 (PLN 3.38 = \$1) applies. The fee for the changes to the issued Permit is to PLN 19. Respective duty stamps must be affixed to the application to receive the permit. Those stamps shall be checked off by the entity receiving the application. The Treasury Fee shall be paid either in cash or by a bank transfer to the bank account of the respective municipality or commune office. When paying, the applicant must specify on the slip the object for which the fee is being paid. The payment may be electronic if it contains the payer's ID including the Tax/VAT ID Number, shows the bank account number of the given city or commune office, the payment subject and date and bears a safe electronic signature of the authorized bank officer (the payer must specify clearly the subject for which the Treasury Duty is paid).

2. Plant products

For fruit and vegetable imports, generally import certificates are not required. However, phytosanitary certificates issued by APHIS are requested for fruit, vegetable and nut shipments to the EU. For processed fruit and vegetable products, APHIS issues export certificates. Imports of fruits and vegetables also need to meet the marketing standards for fruit and vegetables as listed in Council Regulation 2200/96. Trading standards and controls are described by Council Regulation 1148/2001 (http://europa.eu.int/eur-lex/pri/en/oj/dat/2001/l_156/l_15620010613en00090022.pdf). Imports must also comply

with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) rules for endangered species.

3. Other Processed Products

Documentation requirements and import regulations for other processed food products depend on ingredients. In general, Council Directive 93/43/EEC establishes the rules of hygiene for foodstuffs, which supplements Council Directive 89/397/EEC. These rules, as set out in the annex, must be observed at the time of preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale and supply of foodstuffs. Food businesses are required to use the HACCP system to ensure the safety of foodstuffs. See <http://www.useu.be/agri/hygiene.html>.

SECTION VII. OTHER SPECIFIC STANDARDS

Weights and measures

Weights must be stated in metric system (weight or volume). An optional directive on package sizes exists. According to Polish regulatory authorities Poland has not adopted the rules so package sizes are optional for ordinary food products.

Novel foods/Genetically Modified Food

Novel foods are defined as foods not previously consumed in significant quantities within Europe. Also new combinations of ingredients may be considered novel according to Polish interpretation of the directive.

Novel foods, including GMOs, can be used after receiving EC certification. Once a GMO product is approved for use in foods, no product specific registration is necessary. The EU has strict labeling and traceability rules for GM food and animal feed. The regulations provide consumers with the information they need to make informed choices when they buy food. Since April 2004, food and feed that contains, or consists of genetically modified organisms (GMOs), or contain ingredients produced from GMOs, must be clearly labeled as GM. GM products and ingredients can be traced through all stages of the production and distribution line and products derived from them are to be labeled. Accidental and technically unavoidable content of an EU approved GMO in combined foods and single ingredient foods at a level below 0.9% need not be declared or labeled.

Since May 1, 2004 the EU regulations related to the novel food and GM food and feed directly applicable in Poland are as follow:

[Regulation \(EC\) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients](#)

[Regulation \(EC\) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms \(Text with EEA relevance\)](#)

[Regulation \(EC\) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed \(Text with EEA relevance\)](#)

[Regulation \(EC\) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labeling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC](#)

Currently, Poland is working on the new GMO legislation, which would adapt the local legislation to the EU standards. The draft is now under ministerial level consideration. Although, only 40 days passed from its publication for public comments, the draft was already very strongly criticized, especially by scientists, as a legislation aiming to stop a development of biotechnology research in Poland.

Dietetic and special use foods

Special regulations on dietetic foods cover:

Slimming foods (VLCD and LCD diets)

Baby and infant formulas

Nutritional preparations for special medicinal uses

Baby and infant formulas intended for healthy children, and low calorie diets and special medicinal diets are subject to EC harmonization. The Polish importer is obligated to inform Polish Sanitary Authorities (Główny Inspektorat Sanitarny) about the first shipment of the above products ("powiadomienie" advisory letter procedure). Detailed regulations consistent with the EU law, are specified in the Journal of Law no. 104 pos. 1094 dated May 1, 2004 (link is in Polish language) <http://www.abc.com.pl/serwis/du/2004/1094.htm>

Organic foods

A product can be marketed as organically grown or under given circumstances as organic ingredients in composite foods, provided an accredited inspection body grants the production certificate. Third country inspection bodies must conform with the standard of EU member state inspection bodies, which is described in EN and ISO standard - Council Regulation 2092/91.

Since May 1, 2004, Poland has had a new Act on organic agriculture which was established on April 20, 2004, which is based on the EC regulation no 2092/91/EEC of June 24, 1991 on agricultural production of organic products and labeling of agricultural and food products, as well as EC regulation no. 94/92/EEC of January 14, 1992 regarding detailed rules of implementation of the agreements on imports from third countries which were set forth by regulation no. 2092/91/EEC.

The Act announces the responsibility of certification of imported organic foods into Poland on the Commercial Quality of Agricultural and Food Products Inspection (Inspection). The Inspection issues import permits for products from third countries not mentioned on the EU list and controls organic products imported from third countries. Additionally, imported organic products have to be checked and certified by one of the Polish certification organization to be labeled organic.

For additional information concerning organic food please refer to FAS/Warsaw report PL6035; available at www.fas.usda.gov at Attache Reports link.

Fruits and vegetables

Fruits and vegetables can be sold unpacked separately or by weight. Country of origin must be stated and also any surface treatment must be noted. Surface treatment of fruits is regulated in accordance with the food additives regulation.

SECTION VIII. TRADEMARK LAWS

Protecting Your Product

In early 2000 Poland passed major new legislation governing intellectual property rights, bringing Poland into compliance with its obligations under the WTO TRIPS Agreement and to the EU. Amendments to the 1994 Copyright Law extended coverage to pre-1974 sound recordings, removing a major shortcoming in Polish law. The new Industrial Property Law replaced existing legislation governing patents, trademarks and other industrial property. Piracy of intellectual property remains a significant problem. In addition, the length of protection afforded to proprietary research test data submitted by pharmaceutical companies remains below U.S. or EU standards. Polish authorities have made moderate progress in recent years, however much remains to be done to protect IPR, and Poland has been placed on the USTR "Watch List" due to several shortcomings. Improved penal provisions in the new legislation should help, as will on-going judicial reform. In July 2003, the Polish Government announced a new strategy to improve copyright and patent enforcement, which has begun to address many of Poland's major shortcomings.

Patents

The Polish Law on Inventive Activities protects inventions through patents and utility models. Applications are filed with the Polish Patent Office; Polish attorneys must represent foreign applications. Patents are granted based on novelty, non-obviousness, technical character, and applicability. These are product patents versus process patents. Registrations are published 18 months from the date the application is received. Registered patents are valid 20 years from the filing date. Registered models, inventions, and industrial designs are valid for five years and may be extended for another five years. Annual fees must be paid for maintaining a patent. There are no regulations regarding license terms. Criminal penalties are possible for infringement.

Trademarks

Poland's trademark law of 1985 stipulates that trademarks, service marks, or collective marks may be registered. Trademarks are also protected under the 1993 Law on Combating Unfair Competition. A trademark must define the goods and services that are to be marked by the registered trademark. Applications are filed with the Polish Patent office and priority under the Paris Convention may be claimed. Polish patent agents must represent foreign applicants. A registered trademark is valid for 10 years from the date of filing, unless the mark is not used for three consecutive years. The registration may be renewed for 10-year periods. Trademarks may be licensed. Ornamental designs and integrated circuits are protected.

U.S. companies find, however, that despite the existence of laws, Polish authorities often lack the knowledge and resources to enforce them. U.S. companies must often spend resources protecting their own interests. Under the amended Code of Civil Procedure, a request for temporary injunction forbidding the infringer from using an item until a case can be resolved must be reviewed by a court within seven days, thus becoming a new tool in protecting trademark and intellectual property rights.

The Pro-Marka Polish Association of Branded Goods Producers (PABGP) was established in 1996 with the goal of protecting trademarks, foiling pirates, and educating consumers and regulators alike about the value of brand names. Currently Pro-Marka has about 25 international and Polish member companies and focuses on consumer products.

Copyrights

A new copyright law consistent with international standards became effective in June 1994. The copyright law introduced protection of not only literary, musical and graphic works, but also computer software, audio-visual works and industrial patterns. It extends copyright protection from 25 to 50 years to comply with international standards, and protects authors, producers, artists, and performers for both commercial and personal rights. Generally, commercial rights expire 50 years after the author's death. This regulation also applies to registered promotional audio/visual aids that might be utilized in promoting products in Poland.

U.S. companies find that enforcement of copyrights, like trademarks, is still inadequate despite major progress made in the last four years. Since the beginning of 1998, Polish customs authorities and police have been more actively protecting intellectual property rights by not only reacting to claims of interested companies or organizations but also being proactive. U.S. companies and trade associations have spent a great deal of resources informing the public as well as the legal community about the issue of copyright protection. The greatest problems are in the area of sound and video recordings and especially software. The local chapter of the Business Software alliance estimates that even though the situation is improving, almost 70% of software products on the Polish market are pirated.

Trade Secrets

Trade secrets are protected under the law regarding protection against unfair competition of 1993.

Protected Geographical Indications

Geographical indications (GIs) are "indications which identify a good where a given quality, reputation or characteristic of the good is essentially attributable to its geographic origin". [Council Regulation 510/2006](#) on the protection of geographical indications/designations of origin for listed European agricultural products and foodstuffs repeals Regulation 2081/92 to bring its rules in line with a WTO ruling. The new regulation allows third country operators to submit registration applications directly to the Commission rather than through their governments and deletes reciprocity requirements. It also allows third countries to object directly to new registrations. Guidelines for the registration of GIs by third country producers have been published on the Commission's website at http://ec.europa.eu/agriculture/foodqual/protec/thirdcountries/proced_en.pdf. The complete list of registered product names that receive protection in the EU can be found at http://ec.europa.eu/agriculture/qual/en/1bbaa_en.htm

SECTION IX. IMPORT PROCEDURES

EU Regulations

Council Regulation 2913/92 establishes the Community Customs Code. The Code lists all the customs procedures applicable for trade in goods with third countries. Import duties are determined by the tariff classification of goods and by the customs value. With the implementation of the Code, the 25 member states of the European Union form a customs union, meaning that all member states apply the same tariff on goods imported from outside the EU. Once an imported good is cleared in one member state, it can move freely throughout the EU. See <http://www.useu.be/agri/import.html> and <http://www.useu.be/agri/customs.html>.

The EU uses the Combined Nomenclature (CN) for the customs classification of goods. The CN eight digit code numbers are based on the Harmonized System (HS) nomenclature: The first six digits refer to the HS headings, the two following digits represent the CN subheadings. The EU's on-line customs database can be consulted to look up commodity codes and relevant import duties:

http://europa.eu.int/comm/taxation_customs/taxation/index_en.htm

It is also possible to obtain Binding Tariff Information (BTI) from a member state's customs authority to get the proper product classification. Through this system, traders know in advance the tariff classification of the goods they intend to import. BTI is legally binding in all the member states. For more BTI information see:

http://europa.eu.int/comm/taxation_customs/common/databases/ebti/index_en.htm

Information, available through internet, on custom tariff is also available from the Polish Customs:

http://isztar.mf.gov.pl:7080/taryfa_celna/web/main_EN

The customs value of a good is the CIF price at the European border derived from the product price found on the invoice and the transportation costs reflected in the airway bill or the bill of lading.

Goods are only released after payment of the import duty and other taxes that may be due. Duties payable on goods imported into the EU may include:

- Import duty (expressed as ad valorem tariffs or specific tariffs per unit weight/volume/number of pieces).
- Additional duties on flour and sugar (processed products).
- Entry price (fruit and vegetables).
- Environmental taxes (not harmonized).
- Inspection fees (not harmonized).
- Value added tax (VAT) (not harmonized).
- Excise duties (alcohol and tobacco) (not harmonized).

VAT and Excise Tax

Poland has a Value Added Tax (VAT) system in place for agricultural and food products. The VAT is applied in the same manner to both imported and domestically produced products. The VAT in Poland ranges from 3 percent to 22 percent depending on the type of commodity. A lower VAT is applied to semi-processed commodities such as Non-Fat Dry Milk. A higher VAT is applied to processed commodities, such as bake mixes or retail products. In fall 2000, the government of Poland implemented a 3 percent VAT for basic agricultural products. This VAT rate made Polish taxation similar to the VAT effective in most EU countries.

Customs Clearance

Provided the U.S. exporter has furnished all necessary documentation (including necessary sanitary/phytosanitary certificate) there should be no problems with customs clearance. Also, it is recommended that the exporter be fully aware of the necessary shipping documents required for their product. As the requirements are not uniform for all products and means of transportation, exporters should contact their importer to obtain this information.

Current Polish regulations specify that the importer and producer are responsible for any serious health problems, which may occur as a result of consumption of the product.

Registration of a New Imported Product or Additive

Regulations concerning new imported product entry into the Polish distribution system, are specified in new regulation established on April 26, 2004 by the Polish Minister of Health (Journal of Law no. 104 Pos. 1095, April 26, 2004). These regulations simplify the entry procedure. Please note that this procedure does not apply to novel foods.

Current regulations specify that the importer of a product, which is new to the Polish market, can request approval of the product. The importer needs to contact the Polish Sanitary Authorities (Panstwowy Zakład Higieny) and submit a letter-requesting permit for product entry ("powiadomienie").

The required basic documentation should consist of:

- copy of invoice
- product certificate issued by producer
- producers laboratory specification
- proposed Polish language label (with all product ingredients)

The approval procedure takes about one month. On the basis of the initial approval the product can be imported into Poland. The above procedure assures the importer that the product border clearance procedure is shortened. After this procedure product can be cleared at the Polish border with regular trade documentation:

- importer's request for sanitary inspection (3 copies)
- invoice
- transportation document e.g. airway bill
- Health Certificate/Phytosanitary Certificate/Microbiological Certificate
- Additional documentation from producer confirming products production standards (laboratory tests, certificates etc.)

An importer who does not apply for product approval from PZH can still clear the goods through the Polish border control system (with the documentation listed above). During the border control producers certificates and laboratory tests results are checked for their compliance with the Polish regulations and if all is in order the product is released. Should some discrepancies occur the product will need to be tested by Polish Sanitary authorities.

Once an importer starts to import regularly, not every shipment will be tested. If the product and producer are not well known to the Polish Sanitary authorities the authorities can order shipment tests every 6 months (after the first border control), if the product, producer, and importer are known to the Polish authorities the tests are conducted every 12 months or less frequently.

Import of Product which is Already Present On The Polish Market or In Another EU Country

An importer of product which is already present on the Polish market or in another EU country needs to include in product delivery documentation a letter from the producer which would confirm the fact that the exact same product is approved in another EU country (country needs to be specified).

Such product is then allowed to enter Poland without additional clearance.

Trade Infrastructure set up by the Polish Government:

- Bonded Warehouses

Many Polish import firms utilize Bonded Warehouses, which enable them to distribute a portion of imported goods according to demand as well as to easily re-export goods out of Poland. Bonded warehouses are operated by permission of the President of the Central Office of Customs. Commercial code companies can operate them.

- Special Economic Zones

A special economic zone (SEZ) is a designated area within the territory of Poland in which business activities (manufacturing or distribution) can be conducted on special, preferential terms. Currently, there are 14 SEZs in Poland, their aim being to support regional development. Since 2001, new regulations on SEZs and public aid have been in force. After January 1, 2001, entrepreneurs who have obtained a permit to conduct activities in SEZs have been eligible for income tax exemption, which is regarded as a form of public aid.

The following forms of tax relief and other incentives to encourage investment are available in the SEZs:

- Income tax exemption
- Relief on real estate tax (depending on a decision of the local authorities)
- Relief on tax on means of transport (depending on a decision of the local authorities)
- Customs duty relief
- Non-tax incentives relating to employment of new employees
- Non-tax incentives related to investment procedures in the SEZs including:
 - Minimum employment
 - Minimum investment outlays

For more information, please contact the Ministry of Finance – Customs Department (Appendix I).

APPENDIX I Government Regulatory Agency Contacts

Ministry of Agriculture and Rural Development
Mr. Andrzej Lepper
Minister
ul. Wspolna 30
00-930 Warsaw
ph: 4822-6231000 - operator
fax: 4822-6232750
Web page: <http://www.minrol.gov.pl/DesktopDefault.aspx>

General Veterinary Inspectorate
Główny Inspektor Weterynarii (Chief Veterinary Officer)
Dr. Krzysztof Jazdzewski
ul. Wspolna 30
Warsaw
ph: 4822 623 2089
fax: 4822 623 1408
e-mail: wet@wetgiw.gov.pl
Web page: <http://www.wetgiw.gov.pl/englisz/index.htm>

Panstwowa Inspekcja Ochrony Roslin i Nasiennictwa
(State Inspectorate for Plant Protection and Seeds)
Ms. Mirosława Konicka, Chief Inspector
ul. Wspolna 30
Warsaw
ph: 4822 623 2302
fax: 4822 623 2304
e-mail: gi@piorin.gov.pl, piorin@piorin.gov.pl
Web page: <http://www.piorin.gov.pl/>

Główny Inspektorat Jakości Handlowej Artykułów Rolno Spożywczych
(Chief Inspectorate for Trade Quality Control of Agricultural Food Products)
Ms. Dorota Krzyżanowska
Department Director
ul. Wspolna 30
00-930 Warsaw
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fax: 4822-623 2996
e-mail: dkrzyzanowska@ijhars.gov.pl, kgz@ijhars.gov.pl
Web page: <http://www.ijhars.gov.pl/>

Ministry of Health and Social Welfare
Mr. Dariusz Adamczewski
Director
Health Policy Department
ph: 4822-8260894
fax: 4822-6349376
Web page: <http://www.mz.gov.pl/wwwmz/index?ml=en>

Main Sanitary Inspection (Główny Inspektor Sanitarny - GIS)
Mr. Andrzej Trybusz
ul. Długa 38/40

00-238 Warsaw
ph: 4822-6351559
fax: 4822-6356194
Web page: <http://www.gis.gov.pl/english/index.htm>

Ministry of Environment
Ms. Malgorzata Marta Wozniak
Nature Protection - GMO Specialist
ph: 48-22 579-2723
fax: 48-503-493-378
e-mail: malgorzata.wozniak@mos.gov.pl
<http://www.mos.gov.pl>

Ministry of Economic Affairs and Labor - Import Licenses and Quotas
Mr. Jaroslaw Maka, Director, Trade Administration Department
Pl. Trzech Krzyzy 5
00-507 Warsaw
ph: 4822-693 5553, 693 5572
fax: 4822-693 4021
e-mail: droz@mg.gov.pl
Web page: <http://www.mgip.gov.pl/English/>

Ministry of Finance – Customs Department
Mr. Tadeusz Senda
Customs Department Acting Director
ul. Swietokrzyska 12
00-916 Warsaw
tel. 48-22 694 5005
fax: 48-22 694 4303
e-mail: Taduesz.Senda@mofnet.gov.pl
Web page: <http://www.mf.gov.pl/aktualnosci/index.php>

APPENDIX II Other Import Specialist Contacts

National Food and Nutrition Institute
Dr. Lucjan Szponar, Vice-Director
Section for Food and Nutrition Manager
ul. Powsinska 61/63
02-903 Warsaw
ph: 4822-651 6330 550 9620
fax: 4822-8421103
fax: 4822-423742
Web page: http://www.izz.waw.pl/izz_en

State Hygiene Office- (Panstwowy Zaklad Higieny) - PZH
Prof. Jan Krzysztof Ludwicki, Director, ph: 4822-8497084
ul. Chocimska 24
Warsaw
ph: 4822-8494051 ext. 359, 339
fax: 4822-8493513, 8497441
Web page: <http://www.pzh.gov.pl/>

Voivodship Sanitary Station in Warsaw - SANEPID - actual tests & check ups
Mr. Zbigniew Kutyba, Voivodship Sanitary Inspector
ul. Zelazna 79
00-875 Warsaw
ph: 4822-6201656, 6209001 ext. 142
fax: 4822-654 7860
Web page: <http://www.wsse.waw.pl/>

Polish Center for Research and Certification
Ms. Ewa Slowinska
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Web page: www.pcbc.gov.pl